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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,308	12/12/2001	Terry Fisher	0630-00001	5656

7590

05/05/2004

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EXAMINER

HAMILTON, ISAAC N

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,308

Applicant(s)

FISHER, TERRY

Examiner

Isaac N Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2002 and 03 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because there are two figures labeled "Figure 1", and there are two figures labeled "Figure 4". The figures are not identical. It is suggested that Figure 1 and Figure 4 on the second sheet be deleted. It is further suggested that the border surrounding the figures on the second sheet also be deleted. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "said arcuate" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5-9, 11 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Helm, Sr. (5,083,375). Helms, Sr. discloses guide member 12; channel juxtaposed between elements 16 and 18; support arm 24, 28a and 28b; U-shaped portion 24, 28a, 28b; linear portion 28a, 28b; space as seen in figures 1 and 3; body piece 44; handle 50; cutting assembly shown in figure 8 attached to handle 50; workpiece 14; cut line in figure 13; inner side is the top of body piece 44 in figure 7; outer side is the bottom of body piece 44 in figure 7; it is implied in figures 14 and 15 that body piece 44 moves across guide member 12 in order to completely sever the workpiece 14 as shown in figure 15; slider member 52, 54; channel with non-circular cross section in figure 16; bolt 62; roughly c-shaped cross section of guide member 12 in figure 1; method of cutting sheeted material in figures 13-15; longitudinal axis is collinear with guide member 12; wing bolt 62; top wall 18; bottom wall 20; rear wall 16; first side of guide member is the top of guide member 12 as shown in figure 1; second side of guide member 12 is the bottom edge of element 18; second, free end of support arm 28a and 28b is at the bottom of the support arm in figure 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helm, Sr. in view of Dunn (4,574,480). Helm, Sr. discloses everything as noted above, but does not disclose a holder member and two cutter wheels. However, Dunn teaches holder member 12, 13, 14 and teaches cutter wheels 15, 16. It would have been obvious to provide a holder member and cutter wheels in Helm, Sr. as taught by Dunn in order to increase the cutting surface of the tool.

8. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helm, Sr. in view of Dunn (4,574,480). Helm, Sr. discloses guide member 12; first side of guide member is the top of guide member 12 as shown in figure 1; second side of guide member 12 is the bottom edge of element 18; body piece 44; handle 50; cutting assembly shown in figure 8 attached to handle 50; support arm 24, 28a, 28b; linear portion 28a, 28b; workpiece 14; cut line in figure 13; cube 44; slider member 52, 54; wing bolt 62; square cross section channel in figure 16. Helm, Sr. does not disclose a holder member and does not disclose two cutter wheels, however, Dunn teaches holder member 12, 13, 14 and teaches cutter wheels 15, 16. It would have been obvious to provide a holder member and cutter wheels in Helm, Sr. as taught by Dunn in order to increase the cutting surface of the tool. Note in Dunn, upper portion 13; medial portion 14; lower portion 12; upper cutter wheel 16; lower cutter wheel 15; interface of cutter surfaces in figure 4.

Response to Arguments

9. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 703-305-4949. The examiner can normally be reached on Monday thru Friday between 8am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

UA

IH

May 3, 2004



KENNETH E. PETERSON
PRIMARY EXAMINER